

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Mobilitie Management, LLC for Authorization to Obtain a Certificate of Public Convenience and Necessity as a Telephone Corporation to Operate as a Provider of Limited Facilities-Based and Resold Local Exchange Service Throughout the State of California Pursuant to the Provisions of Public Utilities Code Section 1001.

Application 16-04-025  
(Filed April 29, 2016)

**DECISION GRANTING MOBILITIE MANAGEMENT, LLC  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
IN ORDER TO PROVIDE LIMITED-FACILITIES BASED  
AND RESOLD LOCAL EXCHANGE SERVICE**

**Summary**

Pursuant to Public Utilities Code Section 1001, we grant Mobilitie Management, LLC a Certificate of Public Convenience and Necessity to provide limited facilities-based and resold competitive local exchange services subject to the terms and conditions set forth in the Ordering Paragraphs.

**1. Background**

On April 29, 2016, Mobilitie Management, LLC (Mobilitie), a Delaware corporation authorized to do business in California, filed an application for a Certificate of Public Convenience and Necessity (CPCN) to provide limited facilities-based and resold competitive local exchange services throughout the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Frontier California Inc. (Frontier California), Citizens

Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier Communications), and Consolidated Communications of California Company (Consolidated, formerly SureWest Telephone). Mobilitie proposes to provide services including transport, backhaul, and broadband data and other voice and data services as well as other infrastructure used by carriers, emergency responders, public safety agencies, backhaul providers and other companies. Services will be provided with a combination of fixed lines and microwave links and routed over facilities owned by other providers.

Mobilitie's principal place of business is located at:

222 University Drive  
Newport Beach, CA 92660

## **2. Jurisdiction**

Public Utilities Code (Pub. Util. Code) § 216(a) defines the term "Public utility" to include a "telephone corporation," which in turn is defined in Pub. Util. Code § 234(a) as, "every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state."

Mobilitie proposes to provide limited facilities-based and resold competitive local exchange services. Mobilitie acknowledges by its application it is a Common Carrier as defined by Section 153 of the Federal Telecommunications Act of 1996 (Act) eligible to interconnect with the public switched telephone network pursuant to Sections 251 and 252 of the Act, and that if granted a CPCN, it will operate as a telephone corporation under Pub. Util. Code Section 234(a), and obey the Code and all Commission rules, decisions, and orders applicable to telephone corporations.

### **3. California Environmental Quality Act**

The California Environmental Quality Act (CEQA)<sup>1</sup> requires the Commission to act as the designated lead agency to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible. Since Mobilitie states that it does not intend to construct any facilities, other than equipment to be installed in existing buildings or structures, it can be seen with certainty that there is no possibility that granting this application will have an adverse impact upon the environment. Before it can construct facilities other than equipment to be installed in existing buildings or structures, Mobilitie must file for additional authority, and submit to any necessary CEQA review.

We have previously determined that the Public Convenience and Necessity requires that competition be allowed in the provision of competitive local exchange service, Rulemaking (R.) 95-04-043/Investigation (I.) 95-04-044. Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

### **4. Financial Qualifications**

To be granted a CPCN, an applicant for authority to provide limited facilities-based and resold local exchange services must demonstrate that it has a minimum of \$100,000 cash or cash equivalent to meet the firm's start-up

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<sup>1</sup> Public Resources Code § 21000 *et seq.*

expenses.<sup>2</sup> An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by Local Exchange Carriers (LECs) and/or interexchange carriers (IECs) in order to provide the proposed service.<sup>3</sup> In the application and supplemental response, Mobilitie provided documentation that \$100,000 would be available to Mobilitie for one year following certification and that anticipated deposits to underlying carriers will not be required. Since Mobilitie has provided documentation that it possesses a minimum of \$100,000 that is reasonably liquid and available and additional deposits are not anticipated, it has demonstrated that it has sufficient funds to meet its start-up expenses and has fulfilled this requirement.

## **5. Technical Qualifications**

To be granted a CPCN for authority to provide limited facilities-based and competitive local exchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.<sup>4</sup> Mobilitie supplied biographical information on its management in Exhibit 5 to its application and Exhibit 3 to its supplemental response in support of the application. The biographical information demonstrates that Mobilitie has sufficient expertise and training to operate as a telecommunications provider.

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<sup>2</sup> The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in Decision (D.) 95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

<sup>3</sup> The requirement for Competitive Local Carrier (CLC) applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying Local Exchange Carriers (LEC) and/or IECs is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

<sup>4</sup> D.95-12-056 at Appendix C, Rule 4.A.

In its application, Mobilitie acknowledged the Public Utilities Commission of Nevada on October 9, 2013 issued it an order to show cause why its CPCN should not be revoked and fines imposed for failure to file timely reports. This matter was resolved without revocation of Mobilitie's CPCN by filing of past due reports and Mobilitie has taken steps to ensure future compliance. Mobilitie has retained a third-party compliance reporting service provider to ensure it meets compliance obligations.

In its application, Mobilitie further acknowledged the Public Service Commission of Wyoming in 2013 commenced a show cause proceeding and cancelled its registration authority to provide services in Wyoming. This matter was resolved by a reapplication for and grant of Mobilitie's authority and Mobilitie has taken steps to ensure future compliance. Mobilitie has retained a third-party compliance reporting service provider to ensure it meets compliance obligations.

In its application, Mobilitie further acknowledged the Oregon Public Utilities Commission in October 2013 commenced a proceeding regarding payment of Universal Service Fund fees. This matter was resolved by payment of fees and the docket was closed.

In its application, Mobilitie further acknowledged its application in Colorado to provide radio frequency transport services to enable other carriers to provide the direct transmission of voice communications and data services was dismissed. Colorado concluded the proposed services would not be local exchange services under Colorado law and would not qualify for or require a CPCN.

In its application, Mobilitie further acknowledged the Rhode Island Public Utilities Commission on October 25, 2013 issued an order recalling and

rescinding Mobilitie's registration for failure to comply with annual reporting and fee payment requirements. This matter was resolved by Mobilitie's filing and granting of a new application for authority. Mobilitie has retained a third-party compliance reporting service provider to ensure it meets compliance obligations.

In its supplemental response, Mobilitie verified that no one associated with or employed by Mobilitie as an affiliate, officer, director, partner, or owner of more than ten percent of Mobilitie was previously associated with a telecommunications carrier that filed for bankruptcy, was sanctioned by the Federal Communications Commission, or has been found either civilly or criminally liable by a court of appropriate jurisdiction for a violation of § 17000, et seq. of the California Business and Professions Code, or for any actions which involved misrepresentations to consumers, nor is currently under investigation for similar violations. For the above reasons, we find that Mobilitie is in compliance with the requirements of D.95-12-056.

## **6. Tariffs**

Mobilitie has requested detariffed status and may be exempt from the requirement to file tariffs provided that Mobilitie complies with the consumer protection rules identified in D.98-08-031.

## **7. Expected Customer Base**

Mobilitie provided its estimated customer base for the first and fifth years of operation in its application. Therefore, Mobilitie has complied with this requirement.

## **8. Safety Considerations**

With the adoption of the Safety Policy Statement of the California Public Utilities Commission (the Commission) on July 10, 2014, the Commission has,

among other things, heightened its focus on the potential safety implications of every proceeding. We have considered the potential safety implications here. We feel satisfied that Mobilitie will meet the Commission's minimum safety goals and expectations of a limited facilities-based LEC because:

(1) Mobilitie has taken steps to meet the financial requirements as set forth in this decision for a limited facilities-based Competitive Local Exchange Carrier (CLEC), and (2) Mobilitie is a public utility that is required pursuant to Pub. Util. Code § 451 to "... furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

## **9. Conclusion**

We conclude that the application conforms to our rules for certification as a competitive local exchange carrier. Accordingly, we grant Mobilitie a CPCN to provide limited facilities-based and resold local exchange services, subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to Mobilitie and corresponding obligations. Mobilitie receives authority to operate in the prescribed service territory; it can request interconnection with other telecommunications carriers in accordance with Section 251 of the Federal Communications Act (47 U.S.C. 251); and it receives access to public rights-of-way in California as set forth in D.98-10-058, subject to the CEQA requirements set forth in this decision. In return, Mobilitie is obligated to comply with all applicable Public Utilities Codes and Commission Rules, General Orders (GO), and decisions applicable to telecommunications carriers providing approved services. The applicable Codes, Rules, etc. include, but are not limited to,

consumer protection rules, tariffing, and reporting requirements. Moreover, Mobilitie is obligated to pay all Commission-prescribed user fees and public purpose program surcharges as set forth in the Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code § 451 which states that every public utility "...shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

#### **11. Request to File Under Seal**

Pursuant to Rule 11.4 of the Commission's Rules of Practice and Procedure, Mobilitie has filed a motion for leave to file Exhibit 4 to the application and additional financial statements in its supplemental filing, stating financial information, as confidential materials under seal. Mobilitie represents that the information is sensitive, and disclosure could place Mobilitie at an unfair business disadvantage. We have granted similar requests in the past and do so here.

#### **12. Categorization and Need for Hearing**

In Resolution ALJ 176-3377, dated May 12, 2016, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.



**13. Comments on Proposed Decision**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

**14. Assignment of Proceeding**

Carla J. Peterman is the assigned Commissioner and Eric Wildgrube is the assigned Administrative Law Judge in this proceeding.

**Findings of Fact**

1. Notice of the application appeared on the Daily Calendar on May 3, 2016. No protests have been filed. A hearing is not required.
2. Mobilitie is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).
3. Mobilitie has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
4. Mobilitie does not anticipate it will be required to pay deposits to other telecommunications carriers in order to provide the proposed service.
5. Mobilitie management possesses sufficient experience, knowledge, and technical expertise to provide competitive local exchange services to the public.
6. No one associated with or employed by Mobilitie as an affiliate, officer, director, partner, or owner of more than ten percent of Mobilitie was: previously associated with a telecommunications carrier that filed for bankruptcy; was sanctioned by the Federal Communications Commission; or was previously associated with any telecommunication carrier that has been found either civilly or criminally liable by a court of appropriate jurisdiction for a violation of § 17000, et seq. of the California Business and Professions Code, or for any

actions which involved misrepresentations to consumers, nor is currently under investigation for similar violations.

7. Mobilitie has previously failed to comply with a regulatory statute, rule, or order of a state regulatory agency. These matters have been resolved favorably and Mobilitie has retained a third-party compliance reporting service provider to ensure it meets compliance obligations in the future.

8. Mobilitie provided an estimate of its customer base for the first and fifth year of operation.

9. Pursuant to Rule 11.4, Mobilitie filed motions for leave to file confidential materials under seal, including Exhibit 4 to the application and additional financial statements in its supplemental filing.

### **Conclusions of Law**

1. Mobilitie should be granted a CPCN to provide resold and limited facilities-based **competitive** local exchange telecommunications service in the service territories of AT&T, Frontier California, Frontier Communications, and Consolidated, subject to the terms and conditions set forth in the Ordering Paragraphs.

2. Mobilitie should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities, once granted a CPCN.

3. The motion to file under seal Exhibit 4 to the application and additional financial statements in its supplemental filing should be granted for three years.

### **O R D E R**

#### **IT IS ORDERED** that:

1. A Certificate of Public Convenience and Necessity is granted to Mobilitie Management, LLC to provide resold and limited facilities-based competitive

local exchange telecommunications services in the territories of Pacific Bell Telephone Company d/b/a AT&T California, Frontier California Inc., Citizens Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California, and Consolidated Communications of California Company, subject to the terms and conditions set forth below.

2. The corporate identification number assigned to Mobilitie Management, LLC, U7311C, must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

3. Mobilitie Management, LLC must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its Certificate of Public Convenience and Necessity authority, Mobilitie Management, LLC must submit a Tier 1 advice letter to the Director of Communications, containing a copy of the license holder's executed bond, and submit a Tier 1 advice letter annually, but not later than March 31, with a copy of the executed bond.

4. Mobilitie Management, LLC must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a Certificate of Public Convenience and Necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance bond, and the carrier has not been granted an extension of time by the Communications Division.

5. In addition to all the requirements applicable to offer competitive local exchange carriers included in Attachments B, C, and D to this decision, Mobilitie Management, LLC is subject to the Consumer Protection Rules contained in General Order 168, and all applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

6. Mobilitie Management, LLC must file, in this docket, a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

7. The certificate granted by this order will expire if not exercised within 12 months of this order.

8. Mobilitie Management, LLC must annually pay the public purpose surcharges specified in Attachment B. Per the instructions in Exhibit E to Decision 00-10-028, the Combined California Public Utilities Commission Telephone Surcharge Transmittal Form must be submitted even if the amount due is \$0.

9. Mobilitie Management, LLC must annually pay the user fee specified in Attachment B. Mobilitie Management, LLC must pay a minimum user fee of \$100 or 0.23% of gross intrastate revenue, whichever is greater. Under Public Utilities Code § 405, carriers that are in default of reporting and submitting user fees for a period of 30 days or more will be subject to penalties including suspension or revocation of their authority to operate in California.

10. Prior to initiating service, Mobilitie Management, LLC must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. This information must be updated if the name or telephone number changes, or at least annually.

11. Prior to initiating service, Mobilitie Management, LLC must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be updated if the name or telephone number changes, or at least annually. This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at:

<http://www.cpuc.ca.gov/communications/>.

12. Mobilitie Management, LLC must file an affiliate transaction report with the Director of the Communications Division, in compliance with Decision 93-02-019, on a calendar-year basis using the form contained in Attachment D.

13. Mobilitie Management, LLC must file an annual report with the Director of the Communications Division, in compliance with General Order 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

14. Mobilitie Management, LLC's motion to file under seal its Exhibit 4 to the application and additional financial statements in its supplemental filing is granted for a period of three years after the date of this order. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If Mobilitie Management, LLC believes that it is necessary for this information to remain under seal for longer than three years, thinQ, Inc. may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

15. Application 16-04-025 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

R.12-06-013 ALJ/JMO/avs

[8/4/16] *Internal Review Draft; Subject to ALJ Division Review*

**CONFIDENTIAL**; *Deliberative Process Privilege*

# ATTACHMENT A

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## **ATTACHMENT B**

### **REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS**

1. Applicant must file, in this docket with reference to this decision number,<sup>1</sup> a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. The certificate granted and the authority to render service under the rates, charges and rules authorized will expire if not exercised within 12 months of the date of this order.

3. Applicant is subject to the following fees and surcharges that must be regularly remitted. Per the instructions in Exhibit E to Decision (D.) 00-10-028, the Combined California PUC Telephone Surcharge Transmittal Form must be submitted even if the amount due is \$0.

- a. The Universal Lifeline Telephone Service Trust  
Administrative Committee Fund (Pub. Util. Code § 879);
- b. The California Relay Service and Communications Devices  
Fund (Pub. Util. Code § 2881; D.98-12-073);
- c. The California High Cost Fund-A (Pub. Util. Code § 739.3;  
D.96-10-066, at 3-4, App. B, Rule 1.C);
- d. The California High Cost Fund-B (D.96-10-066, at 191,  
App. B, Rule 6.F.; D.07-12-054);
- e. The California Advanced Services Fund (D.07-12-054);
- f. The California Teleconnect Fund (D.96-10-066, at 88,  
App. B, Rule 8.G).

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<sup>1</sup> Written acceptance filed in this docket does not reopen the proceeding.



- g. The User Fee provided in Pub. Util. Code §§ 431-435. The minimum annual User Fee is \$100, as set forth in D.13-05-035.

Note: These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, Applicant must check the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company (dba AT&T California) and apply the current surcharge and fee amounts in that joint tariff on end-user bills until further revised. Current and historical surcharge rates can be found at

<http://www.cpuc.ca.gov/General.aspx?id=1124>.

- Carriers must report and remit CPUC telephone program surcharges online using the CPUC Telecommunications and User Fees Filing System (TUFFS). Information and instructions for online reporting and payment of surcharges are available at <http://www.cpuc.ca.gov/General.aspx?id=1010>. To request a user ID and password for TUFFS online filing and for questions, please e-mail [Telco\\_surcharges@cpuc.ca.gov](mailto:Telco_surcharges@cpuc.ca.gov).
- Carriers must file and pay the PUC User Fee (see above item 2g) upon receiving the User Fee statement sent by the Commission. Instructions for reporting and filing are available at <http://www.cpuc.ca.gov/General.aspx?id=1009>. Please call (415) 703-2470 for questions regarding User Fee reporting and payment.

4. Applicant is a competitive local exchange carrier (CLC). The effectiveness of its future tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

5. Tariff filings must reflect all fees and surcharges to which Applicant is subject, as reflected in #3 above.

6. Applicant must file a service area map as part of its initial tariff.

7. Applicant must obtain a performance bond of at least \$25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority, Applicant must submit a Tier-1 advice letter to the Director of Communications, containing a copy of the license holder's executed bond, and submit a Tier-1 advice letter annually, but not later than March 31, with a copy of the executed bond.

8. Applicant must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

9. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. In addition, Applicant must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at <http://www.cpuc.ca.gov/communications/>. This information must be updated if the name or telephone number changes, or at least annually.

10. Applicant must notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

11. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.

12. In the event Applicant's books and records are required for inspection by the Commission or its staff, it must either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

13. Applicant must file an annual report with the Director of the Communications Division, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

14. Applicant must file an affiliate transaction report with the Director of the Communications Division, in compliance with D.93-02-019, on a calendar-year basis using the form contained in Attachment D.

15. Applicant must ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

16. Within 60 days of the effective date of this order, Applicant must comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the Director of the Communications Division in writing of its compliance.

17. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in #2 above, and has not received written permission from the Communications Division to file or remit late, the Communications Division must prepare for Commission consideration a resolution that revokes Applicant's CPCN.

18. Applicant is exempt from Rule 3.1(b) of the Commission Rules of Practice and Procedure

19. Applicant is exempt from Pub. Util. Code §§ 816-830.

20. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

21. If Applicant decides to discontinue service or file for bankruptcy, it must immediately notify the Communications Division's Bankruptcy Coordinator.

22. Applicant must send a copy of this decision to concerned local permitting agencies no later than 30 days from the date of this order.

**(END OF ATTACHMENT B)**

## **ATTACHMENT C**

### **ANNUAL REPORT**

An original and a machine readable, copy using Microsoft Word or compatible format must be filed with the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to file this information on time may result in a penalty as provided for in Pub. Util. Code §§ 2107 and 2108.

Required information:

1. Exact legal name and U # of the reporting Utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (*e.g.*, corporation, partnership, sole proprietorship, etc.).

If incorporated, specify:

- a. Date of filing articles of incorporation with the Secretary of State.
- b. State in which incorporated.
6. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
7. Date operations were begun.
8. Description of other business activities in which the Utility is engaged.
9. List of all affiliated companies and their relationship to the Utility. State if affiliate is a:
  - a. Regulated public Utility.
  - b. Publicly held corporation.

10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.
12. Cash Flow statement as of December 31<sup>st</sup> of the calendar-year for which information is submitted, for California operations only.

For answers to any questions concerning this report, call (415) 703-2883.

**(END OF ATTACHMENT C)**

## **ATTACHMENT D**

### **CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

**An original and a machine readable, copy using Microsoft Word and Excel, or compatible format must be filed with the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than May 1st of the year following the calendar year for which the annual report is submitted.**

1. Each Utility must list and provide the following information for each affiliated entity and regulated subsidiary that the Utility had during the period covered by the Annual Affiliate Transaction Report.

- Form of organization (*e.g.*, corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the Utility (*e.g.*, controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the Utility (including type and percent ownership); and
- Voting rights held by the Utility and percent; and
- Corporate officers.

2. The Utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the Utility and its affiliated entities and regulated subsidiaries in #1 above. The chart must have the controlling corporation (if any) at the top of the chart, the Utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart, and all secondary subsidiaries and affiliates (*e.g.*, a subsidiary that in

turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary must be clearly noted.

3. For a Utility that has individuals who are classified as “controlling corporations” of the competitive Utility, the Utility must only report under the requirements of #1 and #2 above any affiliated entity that either (a) is a public Utility or (b) transacts any business with the Utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the Utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

5. Any required material that a Utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the Utility’s Annual Affiliate Transaction Report and verified in accordance with Section I-F of Decision 93-02-019.

6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the Commission stating that the Utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the Utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

**(END OF ATTACHMENT D)**